

Date

Mr. Chad P. Pitre
Assistant District Attorney
St. Landry Parish Government
111 N. Court Street
Opelousas, Louisiana 70570

Re: Ethics Board Docket No. 2016-653

Dear Mr. Pitre:

The Louisiana Board of Ethics, at its August 19, 2016 meeting, considered your request for an advisory opinion as to whether Pete Olivier, a member of the St. Landry Parish Gravity Drainage District No. 1 of Ward 2, may continue to serve now that his wife, Vivian Olivier, has been elected to the St. Landry Parish Council. You stated that Ms. Olivier has been recently elected to the St. Landry Parish Council. You stated that Mr. Olivier was appointed several years prior to her election. You also stated that the St. Landry Parish Council is responsible for appointing members to the Drainage Board.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the continued service of Pete Olivier on the St. Landry Parish Gravity Drainage District No. 1 of Ward 2 while his wife serves as a member of the St. Landry Parish Council since he was appointed to the Drainage Board prior to the election of his wife to the St. Landry Parish Council. **La. R.S. 42:1113A** states no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

However, the Board concluded, and instructed me to inform you, that La. R.S. 42:1112B(1) would prohibit Vivian Olivier from participating in any matters involving the St. Landry Parish Council and the Drainage Board in which her husband had a personal substantial economic interest. **La. R.S. 42:1112B(1)** states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest. However, she may recuse herself from any such participation to avoid a violation of La. R.S. 42:1112B(1). **La. R.S. 42:1120** provides an exception for elected officials to recuse themselves from voting on matters that violate section 1112 of the Code. The elected official may discuss and debate the matter, provided that he makes the disclosure of his conflict or potential conflict a part of the record of his agency prior to his participation in the discussion or debate and prior to the vote that is the subject of the discussion or debate.

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In addition, the Board concluded, and instructed me to inform you, that, at the end of Pete Olivier's term, if his wife is still a member of the St. Landry Parish Council, La. R.S. 42:1113A will prohibit him from being re-appointed to the Drainage Board by the St. Landry Parish Council. See La. R.S. 42:1113A, above.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
For the Board